

REMARKS

Reconsideration of the application is requested.

Claims 1-4 remain in the application. Claims 1-4 are subject to examination.

Under the heading "Claim Rejections - 35 USC § 103" on pages 2-3 of the above-identified Office Action, claims 1-2 have been rejected as being obvious over U.S. Patent No. 6,205,124 to Hamdi (hereinafter Hamdi) in view of U.S. Patent No. 6,163,531 to Kumar (hereinafter Kumar) under 35 U.S.C. § 103.

An object of the instant application is to provide a multimedia end device for the realization of H.323 multipoint connections. According to the invention, the multimedia end device includes a controller for signal processing for point-to-multipoint connections as well as a mixer for mixing the data streams from the conference participants (including the multimedia end device itself) and for distributing data stream mixtures to the conference participants.

Claim 1 of the instant application calls for, *inter alia*, a multimedia terminal for telephony based on ITU-T Standard H.323 for setting up a multipoint connection to a plurality

of terminals. The multimedia terminal includes the following features:

a controller for processing signaling information for a point-to-multipoint connection between the multimedia terminal and a plurality of terminals; and

a mixer, connected to said controller, for mixing datastreams originating at the multimedia terminal and at the plurality of terminals and for providing datastream mixtures to the plurality of terminals.

Hamdi discloses a conferencing system that is connected to an analog telephone network (POTS 181) via a first and a second modem in order to communicate with a first and a second remote modem 189, 188 via the telephone network. So-called digital simultaneous voice and data (DSVD) modems are used as modems, by which, voice and data can be transmitted in parallel via an analog telephone line. For this purpose, the data and voice are converted into analog signals within the transmission bandwidth of the POTS by the DSVD modem. Thus, the essential aspect in Hamdi is to be seen in realizing a conferencing circuit, where, in addition to voice, data are also to be transmitted - via an analog telephone network.

The Examiner notes that Hamdi does not disclose a multimedia terminal for telephony based on ITU-T Standard H.323 for setting up a multipoint connection to a plurality of terminals. The Examiner relies on Kumar for teaching setting up conference calls based on ITU-T Standard H.323. The Examiner further states that Hamdi suggests a DSVD multipoint control unit of a terminal using ITU for processing the setup of a teleconference between terminals. The Examiner states "Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply a H.323 terminal for setup a teleconference between terminals as disclosed by Kumar's system into Hamdi's system". The Examiner further states that grounds for the combination by stating "The motivation would have been to reduce cost and transmission delay between terminals".

The arguments submitted by the Examiner are largely a repetition of his previously proffered arguments. The only difference in the argumentation of the examiner as compared to the last office action is the replacement of the reason or motivation for the combination of Hamdi with Kumar. The following was stated as the new reason for combining Hamdi with Kumar "to reduce cost and transmission delay between the terminals." Apart from the fact that this reason can be

stated generically in almost every combination of documents in the field of telecommunications, the Examiner's express reasoning would prevent an expert from combining Kumar with Hamdi and therefore we truly do not, respectfully, understand the Examiner's argumentation once again. Hamdi is based on a classic circuit-switched communications system. In contrast, Kumar teaches a packet-switched H.323-based communication system. Integrating the fundamental components of the Kumar taught invention to perform the H.323 standard into the circuit-switched communication system disclosed in Hamdi would necessitate a large number of expensive alterations in the communications infrastructure disclosed in Hamdi. Moreover, due to the necessary buffering of the data packets, a packet-switched communication network as in case of Kumar has as a rule a higher transmission delay than a circuit-switched network as in case of Hamdi. Thus the aforementioned reason provided by the Examiner would not prompt an expert, who basing his reasoning on Hamdi to increase his transmission costs with expensive new equipment and at the same time increase the transmission delay. It simply does not make economic sense.

Furthermore, the reason stated by the Examiner for combining Kumar with Hamdi loses its value as a criterion for the grounds of appeal since it can be mentioned randomly. The

reason provided, due to its very general and arbitrary nature cannot explain why an expert basing his reasoning on Hamdi ought to specifically select Kumar. In addition, this reason cannot justify reasonably why only the alteration of the end terminals of H.323 should be accepted from Kumar and not the central conference unit provided actually in accordance with H.323 for mixing the media streams outside the terminal. This subsequent selection and/or combination made by the Examiner regarding to the fundamentals of the invention thus appears to be of a very discretionary nature and are thus rather questionable.

It is further believed that Kumar actually teaches away from the invention of Hamdi as Kumar requires a conference service (e.g. MCU) centrally located in the network. This means that the advantage of a functionality, which is transferred to the terminal, which does not require access to a central conference service, is lost in Kumar. Otherwise, neither Hamdi nor Kumar contains information as to why Kumar should only carry out the conversion to H.323, but not the central conference device, which is provided according to H.323.

In item 4 on pages 4-5 of the above-identified Office Action, claims 1-4 have been rejected as being obvious over U.S. Patent No. 6,163,531 to Kumar (hereinafter Kumar) in view of

U.S. Patent No. 6,205,124 to Hamdi (hereinafter Hamdi) under  
35 U.S.C. § 103.

As admitted by the examiner, Kumar does not disclose any  
mixer contained in the terminal. Specifically, the Examiner  
states "Kumar fails to disclose a mixer, connected to said  
controller, for mixing data streams originating at the  
multimedia terminal and at the plurality of terminals and for  
providing data stream mixtures to the plurality of  
terminals."

Contrary to the Examiner's opinion, an integration of the  
"V.70-Terminal" into the packet-switched H.323 systems could  
by no means be considered as obvious at the priority date of  
the instant application. As a matter of fact, no reference  
whatsoever can be found in the V.70 recommendation to the  
H.323 recommendation or even to packet-switched communication  
networks. Likewise, the H.323 recommendation makes no  
reference to the V.70 recommendation. H.323 and V.70 relate  
to completely different techniques that are independent of  
one another. The V.70 recommendation describes procedures  
for a common transfer of language and data using circuit-  
switched communication networks. The V.70 recommendation and  
also Hamdi make no reference to an integration of these  
circuit-switched procedures into packet-switched

communication networks and particularly into H-323 networks. Thus the V.70 recommendation provides no reason whatsoever to combine Hamdi with Kumar.

Also the reason ("to reduce cost and transmission delay between the terminals") stated by the Examiner would not prompt an expert basing his reasoning on Kumar to combine Hamdi with Kumar. An integration of the mixer provided in Hamdi into a terminal with the multipoint controller disclosed by Kumar results in neither a cost advantage nor in a reduction of transmission delay. Rather, an integration of the circuit-switched technology disclosed in Hamdi into the packet-switched communication system disclosed in Kumar would require a large number of expensive alterations in the communications infrastructure disclosed in Kumar. Apart from that, the integration of the mixer that mixes the media streams originating from the other terminals and then distributes them again to the other terminals would result in higher transmission delays than in the arrangement disclosed in Kumar, in which the terminal (in the embodiment pursuant to Fig. 2A consulted by the Examiner) has a multipoint controller that transmits only the independent multimedia stream to all other terminals. This means that each multimedia stream in the case of Kumar covers only a single path between the terminals. However, pursuant to the

invention of the instant application, each multimedia stream has to be transmitted first from each terminal to the terminal with the mixer in accordance with the invention and then has to be transmitted inside a mixed data stream from this terminal to the other terminals.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1.

In view of the foregoing, reconsideration and allowance of claims 1-4 are solicited.

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner



Appl. No. 09/441,535  
Amdt. Dated June 20, 2005  
Reply to Office Action of March 18, 2005

and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

  
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For Applicants

REL:cgm

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June 20, 2005

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